

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 24, 2024

CASE NO(S):

OLT-24-000200

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Chilocco Building Corporation/Mattamy (Monarch) Partnership
Subject: Request to amend the Official Plan – Failure of Approval Authority to make decision
Description: To permit a low-rise residential neighbourhood with condominium elements
Reference Number: 20 230362 ESC 20 OZ & 20 230363 ESC 20 SB
Property Address: 180-260 Brimley Road
Municipality/UT: Toronto
OLT Case No.: OLT-24-000200
OLT Lead Case No.: OLT-24-000200
OLT Case Name: Chilocco Building Corporation/Mattamy (Monarch) Partnership v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Chilocco Building Corporation/Mattamy (Monarch) Partnership
Subject: Application to amend the Zoning By-law – Failure of Approval Authority to make decision
Description: To permit a low-rise residential neighbourhood with condominium elements
Reference Number: 20 230362 ESC 20 OZ & 20 230363 ESC 20 SB
Property Address: 180-260 Brimley Road
Municipality/UT: Toronto
OLT Case No.: OLT-24-000201
OLT Lead Case No.: OLT-24-000200
OLT Case Name: Chilocco Building Corporation/Mattamy (Monarch) Partnership v. Toronto (City)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Chilocco Building Corporation/Mattamy (Monarch) Partnership
 Subject: Proposed Plan of Subdivision – Failure of Approval Authority to make decision
 Description: To permit a low-rise residential neighbourhood with condominium elements
 Reference Number: 20 230362 ESC 20 OZ & 20 230363 ESC 20 SB
 Property Address: 180-260 Brimley Road
 Municipality/UT: Toronto
 OLT Case No.: OLT-24-000202
 OLT Lead Case No.: OLT-24-000200
 OLT Case Name: Chilocco Building Corporation/Mattamy (Monarch) Partnership v. Toronto (City)

Heard: May 15, 2024 by Video Hearing

APPEARANCES:

Parties

Chilocco Building Corporation and Mattamy (Monarch) Partnership
 (“Applicant”)

City of Toronto
 (“City”)

Brimley Properties Ltd
 (“Brimley”)

Counsel

Sidonia Tomasella

Ray Kallio

Calvin Lantz

MEMORANDUM OF ORAL DECISION DELIVERED BY MICHAEL MENEZES AND A. SAUVE ON MAY 15, 2024 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This was the first Case Management Conference (“CMC”) for lead Case number OLT-24-000200 regarding the redevelopment of the property known as 180-260 Brimley

Road, Toronto. The property is located on the west side of Brimley Road, south of the CN Rail Line, east of Jeanette Street and north of Jeanette Park. It is currently occupied by a warehouse and distribution centre and has an approximate size of 15.6 hectares.

[2] The applications (“Applications”) and additional materials were submitted and were deemed complete as of July 2021. Discussions were had with City of Toronto staff and a revised proposal was resubmitted by the Applicant in November of 2023.

[3] The Applicant seeks an Official Plan Amendment, Zoning By law Amendment and a Draft Plan of Subdivision to permit the redevelopment of the above property into a low-rise residential neighbourhood and a condominium development (of 1337 dwelling units) including a consolidation of parkland and a new internal private road network.

[4] The Appeals brought to the Tribunal are a result of the City of Toronto’s failure to decide within the Legislative timeframe and pursuant to subsections 22(7), 34(11) and 51(34) of the Planning Act

[5] There were no issues raised with service of Notice for this CMC, and as such, no further notice is required. The Tribunal was in receipt of the Affidavit of Service of Notice of the CMC, sworn on April 18,2024, which was marked as **Exhibit 1** to this CMC.

STATUS REQUEST

[6] The Tribunal received a written request for Party status from Brimley Properties Ltd. (“Brimley”), a division of Atlantic Packaging Products Ltd. and an owner and operator of the industry located directly across the street from the lands at 180-260 Brimley Road. Whilst the facility is currently used for warehousing of paper and roll stock, it is likely to be repurposed back into manufacture, with potential implications on transportation, road network, access, land use compatibility, etcetera. As Brimley’s involvement would be of help to the Tribunal in understanding and deciding the impact

of the proposed development on surrounding landowners, the Tribunal granted Party status to Brimley, to which the Appellant and the City expressed no objections.

[7] The Tribunal received a written request for Participant status from Mr. Ken Nakahara, a neighbour living/whose residence is adjacent to the proposed development. As Mr. Nakahara was not present and as the other Parties had not yet been forwarded the request, the Tribunal agreed to review his status at an upcoming CMC/the next CMC, to be scheduled.

[8] No other Party or Participant status requests were received.

OPPORTUNITIES FOR MEDIATION AND SETTLEMENT

[9] The Appellant and the City will meet over the next few weeks to review the proposal and will *or* to resolve some, or all, of the issues. There is a possibility that there may be a few technical issues that may require mediation after the second CMC.

[10] The Parties were made aware that the Tribunal is available to assist with Tribunal-led mediation and that requests can be made through the Case Coordinator.

NEXT STEPS

[11] The Tribunal directed the Parties to work cooperatively to finalize the draft Procedural Order (“PO”) and to submit them to the Case Coordinator on or before **Friday, June 14, 2024**.

[12] Based on the request of the Parties, the Tribunal has scheduled a second CMC to be held on **Friday, June 21, 2024 at 10 a.m.** by videoconference.

[13] Parties are asked to log in to the Video Hearing at least **15 minutes** before the start of the event to test their video and audio connections:

GoTo Meeting: <https://global.gotomeeting.com/join/709076365>

Access code: 709-076-365

[14] Parties are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available: <https://app.gotomeeting.com/home.html>.

[15] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling in to an audio-only telephone line: **+1 (647) 497-9373** or **(Toll-Free) 1-888-299-1889**. The **access code** is as shown in paragraph 13 of this Decision.

[16] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the Hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the event may be directed to the Tribunal's Case Coordinator having carriage of this Case.

ORDER

[17] **THE TRIBUNAL ORDERS THAT:**

- a. Brimley Properties Ltd. is granted Party status in these proceedings;
- b. a second Case Management Conference has been scheduled to proceed by videoconference on **Friday, June 21, 2024 at 10 a.m.**; and
- c. The Parties are to submit a draft PO to the Tribunal on or before **Friday, June 14, 2024**.

[18] The Panel is not seized but may be contacted through the Case Coordinator should procedural issues arise.

“Michael Menezes”

MICHAEL MENEZES
MEMBER

“A. Sauve”

A. SAUVE
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.